

Notice of Allowability

Application No.

09/935,824

Examiner

John D. Lee

Applicant(s)

JUNGERMAN ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment submitted on November 2, 2004.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☒ The drawings filed on 22 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

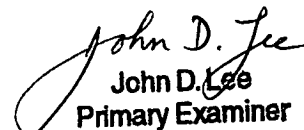
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


John D. Lee
Primary Examiner

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

In claim 1, line 2, the word "communication"
has been changed to "communications";

In claim 2, line 1, the word "generating"
has been changed to "generation";

In claim 3, line 5, the word "conversation"
has been changed to "conversion";

In claim 4, last line, the word "conversation"
has been changed to "conversion";

In claim 10, line 1, the word "block"
has been changed to "blocking";

In claim 12, line 14, the word "signals"
has been changed to "signal";

In claim 17, line 3, the word "conversation"
has been changed to "conversion";

In claim 24, line 5, the word "pulse"
has been inserted after "probe";

In claim 27, line 4, the word "transport"
has been changed to "transparent"; and

In claim 32, lines 3-4, the phrase "The method of claim 25, wherein
said step of providing further comprises:" has been deleted.

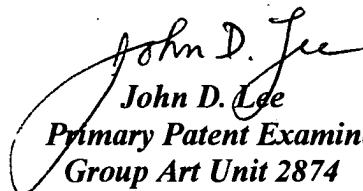
These minor changes were made in order to correct transcription errors which occurred in the copying of previously presented claims in the amendment submitted on November 2, 2004. Such minor changes do not require consultation with applicant or applicant's representative (MPEP § 1302.04).

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance: Claims 1-31 remain allowable for the reasons set forth in the previous Office action (paper number 0804, mailed August 9, 2004). Regarding previously rejected claim 32, after careful scrutiny of U.S. Patent 6,744,508 (Jungerman et al) and claim 32 herein, the Examiner agrees that the Patent does not teach or suggest the use of sum frequency generation for combining each of the two polarized input signal components *separately in first and second stages* with the frequency doubled unsplit second harmonic probe pulse signal. There is no suggestion anywhere in the prior art that would have made this feature obvious in the device of the Patent. The assertion that there is no patentable distinction between claim 32 of the instant application and claims 1 and 4 of the Patent is thus incorrect, and the previously applied double patenting rejection is withdrawn. After an updated search of the prior art, no additional relevant prior art documents have been found. Claims 1-32 herein are therefore allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the merits of this communication should be directed to Examiner John D. Lee at telephone number (571) 272-2351. The Examiner's normal work schedule is Tuesday through Friday, 6:30 AM to 5:00 PM. Any inquiry of a general or clerical nature (i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562, to the technical support staff supervisor (Team 8) at telephone number (571) 272-1564, or to the Technology Center 2800 Customer Service Office at telephone number (571) 272-1626.


John D. Lee
Primary Patent Examiner
Group Art Unit 2874